

REMARKS/ARGUMENTS

Status of the Application

The Examiner is thanked for the Office Action dated June 1, 2007. The status of the application is as follows:

- Claims 1-9 are currently pending and are presently under consideration. Claims 10-17 have been newly added.
- Claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Norman, *et al.* (US 5,702,305).

This rejection is discussed below.

The Rejection of Claims 1-9 Under 35 U.S.C. §102(b)

Claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Norman, *et al.* Withdrawal of this rejection is respectfully requested, as the cited references, alone or in combination, fail to teach or suggest each and every aspect as recited in the subject claims.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).¹

Claim 1

Claim 1 is directed towards a method for playing a game by way of a game element, and recites *placing the game element on a first location relative to a game board; determining, by the game board, the first location of the game element; determining, by the game board, a first information item representing game content, wherein said first information item is dependent on said location and a first game being played; transferring, by the game board, the first information item to the game element;*

¹ MPEP §2131

and receiving and presenting said first information item on the game element. Norman, *et al.* does not each and every element as set forth in this claim.

Norman, *et al.* is directed towards an electronic game system that allows multi-player interaction through use of a control unit and multiple personal display units. A control unit receives, monitors, compiles, and transmits information to control game play and display game data and information. Personal display units communicate with the control unit and displays game data and information. A personal display unit can display information that is unique to a user of the personal display unit as well as general overall game data.²

In one embodiment disclosed in Norman, *et al.*, a control unit is physically embedded into a game board (42). A plurality of personal display units (14") are in communication with the control unit when a game is being played.³

There is no disclosure in Norman, *et al.*, however, of the control unit embedded in the game board *determining... the first location of the game element* as required by this claim. To support the rejection, the Office cites col. 3, line 16, which describes the movement of a player in a virtual world, wherein game data changes as the player moves. In more detail, Norman, *et al.* teaches that a common group view area may be a virtual world, in which the player can move. Norman, *et al.* further discloses that the common view area may show a player whose turn it is and the area surrounding the player. Norman, *et al.* further teaches that an image of the common view area can be seen through a centrally located direct view image by all players of the game or on each player's personal display unit as a direct view or virtual image. Finally, Norman, *et al.* states that "as the player moves, the game data changes."⁴

It is respectfully submitted that this portion of Norman, *et al.* does not disclose *determining, by the game board, the first location of the game element.* Rather, Norman, *et al.* discloses the movement of a player through a virtual world when it is the player's turn to play a game. Norman, *et al.* says nothing about the game board (or a control unit

² Norman, *et al.*, col. 2, lines 37-47

³ Norman, *et al.*, col. 6, lines 27-42; Fig. 4

⁴ Norman, *et al.*, col. 3, lines 16-17

therein) determining a location of a personal data unit. In fact, the embodiment that discloses the control unit embedded in the game board is entirely silent with respect to determining a physical location of personal data units.

Additionally, Norman, *et al.* fails to disclose *determining, by the game board, a first information item representing game content, wherein said first information item is dependent on said location and a first game being played* as required by this claim. As noted above, there is no disclosure of a game board determining a first location of a personal display unit. The portion of Norman, *et al.* cited by the Office states “overall game data and information can be broadcast to all players by a centrally located direct view image display.” This portion says nothing about a physical location of a personal data unit, nor does it make mention of a game board.

Accordingly, as the cited reference does not disclose each aspect as set forth in this claim, withdrawal of the rejection is respectfully requested.

Claims 2 and 9

Claim 2 depends from claim 1, and recites *transmitting, by at least one transmitter located on the game element, at least one signal identifying said game element; receiving, by at least one sensor located on the game board, at least one identifying signal; and determining, by the game board, the first location based on at least one identifying signal*. Claim 9 recites similar aspects. To support the rejection of this claim, the Office again cites col. 3, line 16, which describes the movement of a player in a virtual world. There is no disclosure in Norman, *et al.* of determining a location of a personal display unit in the physical world, much less doing so based upon a signal that identifies the personal display unit (equated to the claimed game element) to a central control unit (equated to the claimed game board).

Claim 7

Claim 7 as amended recites, *inter alia, means for receiving and means for presenting a first information item representing game content, wherein said first information item is dependent on a first location of the game element on a playing field of*

a game board and a first game being played, and wherein said first information is received from the game board. As noted above, Norman, *et al.* does not disclose monitoring the location of a personal display unit in the physical world. In addition, Norman, *et al.* teaches that the personal display units are not placed on a game board (See Fig. 4), but are instead worn on a player's head or otherwise placed to allow the player to privately view game data. The personal display units of Norman, *et al.* are not used as game pieces, and thus are not placed on a game board. Therefore, withdrawal of this rejection is respectfully requested.

Claim 8

Amended claim 8 recites, *inter alia*, *means for determining a first location of a game element on a playing field of the game board; and means for determining a first information item representing game content, wherein said first information item is dependent on said first location and a first game being played.* As described above, the game board disclosed in Norman, *et al.* is not disclosed as determining the location of a personal data unit in the physical world. Moreover, the personal data units are not placed on a game board as required by this claim. Accordingly, the rejection of this claim should be withdrawn.

New Claims

New claims 10-17 are believed to be allowable over the cited reference at least by virtue of their dependencies from their respective base claims.

Application No. 10/521,706
Amdt. Dated: August 28, 2007
Reply to Office Action Dated: June 1, 2007

CONCLUSION

In view of the foregoing, it is submitted that claims 1-17 distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,
DRIGGS, HOGG & FRY CO., L.P.A.



John J. Fry Reg. No. 35,873
Michael J. Medley Reg. No. 57,058
Driggs, Hogg & Fry Co., L.P.A.
38500 Chardon Road
Willoughby Hills, Ohio 44094
Phone: 1.440.391.5100
Fax: 1.440.391.5101

Please direct all further correspondence to:

Yan Glickberg, Registration No. 51,742
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510
Phone: (914) 333-9618
Fax: (914) 332-0615